



# Department of Justice

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## **PUERTO RICO ATTORNEY CHARGED WITH OBSTRUCTION OF JUSTICE**

WASHINGTON, D.C. -- A federal grand jury in Puerto Rico today indicted a San Juan attorney for interfering with federal investigations into kickback schemes used to defraud a Puerto Rico restaurant company, the Department of Justice announced.

A three-count indictment, filed in U.S. District Court in Puerto Rico, charges Eugenio A. Guardiola Ramirez (Guardiola) of San Juan with conspiracy to obstruct justice and obstruction of justice in connection with federal investigations by the General Services Administration, Office of Inspector General and a federal grand jury involving a kickback scheme to defraud Tricon Restaurants International, the owner and operator of fast food restaurants in Puerto Rico and the United States. Tricon's Puerto Rico Operation was purchased by Encanto Restaurants of Puerto Rico.

According to the charges, between March and May 2004, Guardiola interfered with and obstructed the investigations into illegal kickback payments made by his clients, Gate Engineering Corporation— an electrical contractor— and its president, Albith Colón, to Jorge Luis Matos Burgos (Matos), then a Tricon employee. Guardiola attempted to conceal the true nature of these kickback payments from the federal grand jury and the General Services Administration, Office of Inspector General investigations by attempting to persuade witnesses to provide false information about the kickback payments and by asking witnesses to explain that

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the kickbacks were personal gifts, the Department said. The indictment also charges that Guardiola drafted a phony services contract to conceal the true nature of the kickback payments.

“This indictment underscores the commitment of the Antitrust Division to prosecute those who interfere with federal investigations,” said Scott D. Hammond, Deputy Assistant Attorney General in charge of the Antitrust Division’s Criminal Enforcement Program.

Today’s charge is the fourth to arise out of an ongoing investigation in Puerto Rico being conducted jointly by the Antitrust Division’s Atlanta Field Office; the U.S. Attorney’s Office for the District of Puerto Rico; the General Services Administration, Office of Inspector General, New York Office; and the Small Business Administration, Office of Inspector General, in Puerto Rico.

On May 19, 2005, Gate and Colón pleaded guilty to conspiring to commit mail fraud in connection with the scheme to defraud Tricon. They pleaded guilty to making illegal kickback payments to Matos in exchange for Matos awarding Gate more than \$1 million worth of electrical contracts on behalf of Tricon. Gate and Colón are awaiting sentencing.

On August 18, 2005, Matos was convicted at trial of the same charge. On November 15, 2005, he was sentenced to serve one year and one day of imprisonment and two years of supervised release.

Count One of the indictment charges Guardiola with conspiracy to commit offenses against the United States, which carries a maximum term of imprisonment of five years and a maximum fine of \$250,000. Count Two charges Guardiola with attempting to influence the testimonies of persons in an official proceeding, which carries a maximum term of imprisonment of 10 years and a maximum fine of \$250,000. Count Three of the indictment charges Guardiola with attempting to corruptly obstruct, influence, and impede an official proceeding, which carries a maximum term of imprisonment of 20 years and a maximum fine of \$250,000.

Anyone with information concerning bid rigging or kickbacks in Puerto Rico should contact the Atlanta Field Office of the Antitrust Division at (404) 331-7100.

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